

STATE PERSONNEL BOARD CALENDAR



NOVEMBER 14, 2006

SACRAMENTO

State of California

Memorandum

DATE: November 3, 2006

TO: ALL INTERESTED PARTIES

FROM: STATE PERSONNEL BOARD – Executive Office

SUBJECT: Notice and Agenda for the **November 14, 2006**, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on November 14, 2006, at offices of the State Personnel Board, located at 801 Capitol Mall, Room 150, Sacramento, California, the State Personnel Board will hold its regularly scheduled meeting. Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 W. 4th Street, Los Angeles, California.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the November 14, 2006, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 52, Sacramento, California 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

<http://www.spb.ca.gov/calendar.htm>

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.



Karen Yu
Secretariat's Office

Attachment



CALIFORNIA STATE PERSONNEL BOARD

801 Capitol Mall • Sacramento, California 95814 • www.spb.ca.gov

ARNOLD SCHWARZENEGGER, Governor



CALIFORNIA STATE PERSONNEL BOARD MEETING¹

801 Capitol Mall
Sacramento, California

Public Session Location – 801 Capitol Mall
Sacramento, California, Room 150
Teleconference – 320 West 4th Street²
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall
Sacramento, California, Room 141
Teleconference – 320 West 4th Street
Los Angeles, California Suite 620

MID MONTH BOARD MEETING – November 14, 2006

¹ Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

²Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 West 4th Street, Los Angeles, California.

MID MONTH BOARD MEETING AGENDA³

NOVEMBER 14, 2006
9:00 a.m. – 10:30 a.m.
(or upon completion of business)

PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND ARE SUBJECT TO CHANGE

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(9:00 a.m. – 9:30 a.m.)

- 1. ROLL CALL**
- 2. REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura**
- 3. REPORT OF THE CHIEF COUNSEL – Elise Rose**
- 4. NEW BUSINESS**

Items may be raised by Board Members for scheduling and discussion for future meetings.

- 5. REPORT ON LEGISLATION – Sherry Evans**

The Board may be asked to adopt a position with respect to the bills listed on the legislation memorandum attached hereto.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

(9:30 a.m. – 10:00 a.m.)

- 6. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

³ The Agenda for the Board Meetings can be obtained at the following internet address:
<http://www.spb.ca.gov/calendar.htm>

7. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]

8. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code sections 11126(e)(1) and 18653.]

International Union of Operating Engineers v. State Personnel Board,
Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

Patrick McCollum v. State of California
United States District Court, Northern District of California
Case No. C 04-03339 CRB

9. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the legislature.
[Government Code section 18653.]

10. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.
[Government Code section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(10:00 a.m. – Onwards)

11. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF DECEMBER 5-6, 2006, IN SAN FRANCISCO, CALIFORNIA

BOARD ACTIONS:

12. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF OCTOBER 10, 2006

- 13. **EVIDENTIARY CASES -** (See Case Listings on Pages 8–14)
- 14. **RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION -** (See Agenda on Pages 20–21)
- 15. **NON-EVIDENTIARY CASES -** (See Case Listings on Pages 15–18)
- 16. **NON-HEARING CALENDAR**

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII, California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

- A. **BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

CHIEF DEPUTY COUNSEL, CALIFORNIA LAW REVISION COMMISSION

The Department of General Services on behalf of the California Law Revision Commission proposed to re-title the existing class of Assistant Executive Secretary, California Law Revision Commission to the above title to better describe the position's role at the commission.

B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

NONE

17. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Employment and Technical Resources Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and the State Personnel Board approves it, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

ASSISTANT EXECUTIVE OFFICER, SURFACE WATER PROGRAMS

The State Water Resources Control Board on behalf of the San Francisco Regional Water Quality Control Board proposes to allocate the above position to the CEA category. The Assistant Executive Officer, Surface Water Programs performs a high administrative and policy influencing function in setting regional and statewide policies and procedures related to four programmatic Divisions.

ASSISTANT EXECUTIVE OFFICER, GROUNDWATER AND ADMINISTRATIVE SERVICES PROGRAMS

The State Water Resources Control Board on behalf of the San Francisco Regional Water Quality Control Board proposes to allocate the above position to the CEA category. The Assistant Executive Officer, Groundwater and Administrative Services Programs performs a high administrative and policy influencing function in setting regional and statewide policies and procedures related to four programmatic Divisions.

DEPUTY DIRECTOR, ENFORCEMENT

The Department of Toxic Substances Control proposes to reallocate an existing CEA allocation titled Division Chief, Statewide Compliance Division to the Deputy Director, Enforcement. The Deputy Director, Enforcement will develop, evaluate and implement policy related to enforcement efforts within the department.

SOUTHERN REGIONAL LIAISON, DIVISION OF COMMUNITY PARTNERSHIP

The California Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Southern Regional Liaison, Division of Community Partnership will be responsible for developing and implementing regional operational policies for initiation and maintenance of successful collaborations with local government, community based providers and foundations, and others in creating evidence-based adult offender re-entry programs supported on best practices.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

CHIEF, EXTERNAL AFFAIRS

The Office of Emergency Services proposal to allocate the above position to the CEA category has been approved effective September 29, 2006.

CHIEF, OFFICE OF RESEARCH AND DATA ANALYSIS

The Department of Toxic Substances Control proposal to allocate the above position to the CEA category has been disapproved effective October 17, 2006.

DEPUTY DIRECTOR, BUSINESS OPERATIONS

The Department of Water Resources proposal to allocate the above position to the CEA category has been approved effective October 17, 2006.

DEPUTY DIRECTOR, PUBLIC SAFETY AND SECURITY

The Department of Water Resources proposal to re-allocate the existing CEA allocation titled Deputy Director, Public Safety and Operations to the above position has been approved effective October 17, 2006.

CHIEF, TECHNOLOGY BRANCH

The Office of Emergency Services proposal to allocate the above position to the CEA category has been approved effective October 17, 2006.

Note: This position was originally titled Chief, Information Technology Branch and has been re-titled Chief, Technology Branch

19. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

20. WRITTEN STAFF REPORT FOR BOARD INFORMATION

21. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

22. BOARD ACTIONS ON SUBMITTED ITEMS – (See Agenda on Page 19)

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those are listed separately by category on this agenda under Evidentiary Cases.

A D J O U R N M E N T

13. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting. Cases that are before the Board for vote will be provided under separate cover.

(1) CASE NO. 05-1737RPA

Appeal from dismissal

Classification: Psychiatric Technician Assistant

Department: Department of Developmental Services

Petition for Rehearing granted March 8, 2006.

Transcript prepared.

Pending oral argument July 11, 2006, Sacramento.

Oral argument heard July 11, 2006.

Case ready for decision by FULL Board.

(2) CASE NO. 05-2596A

CASE NO. 05-2592 & 06-0016A

Appeal from formal reprimand and formal reprimand and five workday's suspension

Classification: Physician and Surgeon, Correctional Facility

Department: Department of Corrections and Rehabilitation

Proposed decision rejected June 6, 2006.

Transcript prepared.

Pending oral argument September 5, 2006, Sacramento.

Oral argument continued.

Pending oral argument October 10, 2006, Sacramento.

Oral argument heard October 10, 2006.

Case ready for decision by FULL Board.

(3) CASE NO. 05-3030A

Appeal from constructive demotion

Classification: Officer Technician

Department: Department of Developmental Services

Proposed decision rejected May 2, 2006.

Transcript prepared.

Pending oral argument August 8, 2006, Los Angeles.

Oral argument continued.

Pending oral argument October 31, 2006, Sacramento.

Oral argument heard October 31, 2006.

Case ready for decision by FULL Board.

- (4) **CASE NO. 05-1351A**
Appeal from dismissal
Classification: Youth Correctional Officer
Department: Department of the Youth Authority
- Proposed decision rejected April 4, 2006.
Transcript prepared.
Pending oral argument August 8-9, 2006, Los Angeles.
Oral argument continued.
Pending oral argument September 5, 2006, Sacramento.
Oral argument heard September 5, 2006.
Case ready for decision by FULL Board.
- (5) **CASE NO. 05-1875A**
Appeal from rejection during probationary period
Classification: Equipment Material Specialist
Department: Department of Transportation
- Proposed decision rejected August 8, 2006.
Transcript prepared.
Pending oral argument October 31, 2006, Los Angeles.
Oral argument heard October 31, 2006.
Case ready for decision by FULL Board.
- (6) **CASE NO. 05-0078A**
Appeal from dismissal
Classification: Workers' Compensation Payroll Auditor
Department: State Compensation Insurance Fund
- Proposed decision rejected May 23, 2006.
Transcript prepared.
Pending oral argument September 5, 2006, Sacramento.
Oral argument heard September 5, 2006.
Case ready for decision by FULL Board.
- (7) **CASE NO. 05-0207PA**
Appeal from constructive medical suspension
Classification: Facility Captain
Department: Department of Corrections and Rehabilitation
- Petition for Rehearing granted March 8, 2006.
Transcript prepared.
Pending oral argument August 8, 2006, Los Angeles.
Oral argument continued.
Pending oral argument October 10, 2006.
Oral argument heard October 10, 2006.
Case ready for decision by FULL Board.

(8) PSC NO. 06-03

Appeal from Executive Officer Decision Disapproving Personal Services Contract for Unarmed Security Guard Services

Department: Department of California Highway Patrol

Employee Organization: Services Employees International Union, Local 1000 (CSEA)

Oral argument heard October 10, 2006.

Case ready for decision by FULL Board.

B. CASES PENDING

ORAL ARGUMENTS

NONE

C. CHIEF COUNSEL RESOLUTIONS

NONE

COURT REMANDS

This case has been remanded to the Board by the court for further Board action.

NONE

STIPULATIONS

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

PROPOSED DECISIONS

These are ALJ proposed decisions submitted to the Board for the first time.

(1) CASE NO. 05-0012E

Appeal for denial of reasonable accommodation/discrimination complaint

Classification: Office Assistant (General)

Department: Department of Corrections and Rehabilitation

(2) CASE NO. 05-1283

Appeal from rejection during probation

Classification: Youth Correctional Counselor

Department: Department of Corrections and Rehabilitation

- (3) **CASE NO. 05-0551**
CASE NO. 06-0552
CASE NO. 06-0557
Appeal from rejection during probation
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (4) **CASE NO. 06-0760**
Appeal from rejection during probation
Classification: Parole Agent I (Adult Parole)
Department: Department of Corrections and Rehabilitation
- (5) **CASE NO. 05-1010**
CASE NO. 05-1081
CASE NO. 05-1080
CASE NO 05-1258
Appeal from dismissal
Classification: Correctional Captain, Correctional Sergeant,
Correctional Officer's
Department: Department of Corrections and Rehabilitation
- (6) **CASE NO. 04-2156**
Appeal from demotion
Classification: Staff Services Manager II (Supervisory)
Department: Department of California Highway Patrol
- (7) **CASE NO. 06-0499**
Appeal from rejection during probation
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (8) **CASE NO. 06-1770**
Appeal ten percent reduction in salary for 13 months
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
- (9) **CASE NOS. 06-0780 & 06-1101**
Appeal from rejection during probation and 34 working days' suspension
Classification: Associate Personnel Analyst
Department: Department of Education
- (10) **CASE NO. 05-1041**
Appeal from dismissal
Classification: Material and Stores Specialist
Department: Department of General Services

- (11) **CASE NO. 06-0071**
Appeal from five percent reduction in salary for 12 months
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (12) **CASE NO. 03-1989**
Appeal from 15 working days' suspension
Classification: Commercial Vehicle Inspection Specialist I
Department: Department of California Highway Patrol
- (13) **CASE NO. 06-0410**
Appeal from five percent reduction in salary for 13 months
Classification: Stationary Engineer
Department: Department of Corrections and Rehabilitation
- (14) **CASE NO. 06-0822**
Appeal from dismissal
Classification: Transportation Engineer, Caltrans (Civil)
Department: Department of Transportation
- (15) **CASE NO. 05-0733**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
- (16) **CASE NO. 05-1888**
Appeal from non-punitive termination
Classification: Clinical Dietician
Department: Department of Developmental Services
- (17) **CASE NO. 04-0832**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (18) **CASE NO. 06-1568**
Appeal from demotion
Classification: Correctional Captain
Department: Department of Corrections and Rehabilitation

PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING

These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

(1) CASE NO. 03-2646RP & 04-0386RP

Appeal from ten percent reduction in salary for six pay periods and dismissal

Classification: Office Technician (Typing)

Department: Department of Forestry and Fire Protection

(2) CASE NO. 05-4416P

Appeal from ten percent reduction in salary for 13 pay periods

Classification: Medical Technical Assistant (Correctional Facility)

Department: Department of Corrections and Rehabilitation

WHISTLEBLOWER NOTICE OF FINDINGS

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

(1) CASE NO. 05-0053A

Appeal from dismissal

Classification: Park Maintenance Assistant

Department: Department of Parks and Recreation

Proposed decision rejected October 10, 2006.

Pending transcript.

- (2) **CASE NO. 05-2211A**
Appeal from dismissal
Classification: Senior Tax Compliance Representative
Department: Employment Development Department

Proposed decision rejected September 20, 2006.
Transcripts prepared.
- (3) **CASE NO. 05-2888PA**
Appeal from dismissal
Classification: Staff Services Analyst (General)
Department: Department of Consumer Affairs

Petition for rehearing granted October 31, 2006.
Pending transcripts.
- (4) **CASE NO. 05-0638A**
Appeal from dismissal
Classification: Conservationist I
Department: California Conservation Corps

Proposed decision rejected September 5, 2006.
Transcript prepared.
- (5) **CASE NO. 05-1567A**
Appeal from dismissal
Classification: Housing Finance Specialist (General)
Department: California Housing Finance Agency

Proposed decision rejected July 11, 2006.
Transcript prepared.
Pending oral argument October 31-November 1, 2006, San Diego.
Oral argument continued.
Pending oral argument December 5-6, San Francisco.
- (6) **CASE NO. 04-2919EPA**
Appeal of discrimination and retaliation
Classification: Physician and Surgeon
Department: Department of Corrections and Rehabilitation

Petition for rehearing granted September 20, 2006.
Transcript prepared.
- (7) **CASE NO. 06-0392A**
Appeal of five percent reduction in salary for 24 months
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation

Proposed decision rejected October 31, 2006.
Pending transcript.

15. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION
CASES HEARD BY A STAFF HEARING OFFICER

NONE

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

- (1) CASE NO. 05-3654**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; arrest/conviction record.
- (2) CASE NO. 05-4121**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; illegal drug activity.
- (3) CASE NO. 05-3653**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; a negative driving record and negative law enforcement contacts.
- (4) CASE NO. 05-4200**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; negative law enforcement contacts and omitting pertinent information.
- (5) CASE NO. 05-3682**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; a negative driving and employment record, negative law enforcement contacts and failure to meet legal obligations and arrest/conviction record.

- (6) **CASE NO. 05-3626**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted information, furnished inaccurate information and a negative employment record.
- (7) **CASE NO. 05-4365**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted information, had a negative driving record and negative law enforcement contacts.
- (8) **CASE NO. 05-3243**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information, furnished inaccurate information, negative law enforcement contacts and an arrest/conviction record.
- (9) **CASE NO. 05-3246**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted information and furnished inaccurate information.
- (10) **CASE NO. 05-2844**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; firearms prohibition.
- (11) **CASE NO. 05-3655**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; failed to complete the pre-employment documents.
- (12) **CASE NO. 05-3035**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information and received a DUI and/or Wet Reckless.
- (13) **CASE NO. 05-3252**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; negative law enforcement contacts, furnished inaccurate information and omitted pertinent information.

- (14) **CASE NO. 05-3251**
Classification: Motor Vehicle Field Representative
Department: Department of Motor Vehicles
Issue: Suitability; probationary status.
- (15) **CASE NO. 05-3250**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; negative law enforcement contacts and omitted pertinent information.
- (16) **CASE NO. 06-0221**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; failed to complete pre-employment documents.
- (17) **CASE NO. 05-3239**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; a negative employment record and omitted pertinent information.
- (18) **CASE NO. 05-3373**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; a negative employment record and omitting pertinent information.
- (19) **CASE NO. 05-3247**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted information and furnished inaccurate information.
- (20) **CASE NO. 05-3245**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; a negative employment record and furnished inaccurate information.
- (21) **CASE NO. 05-3249**
Classification: California Highway Patrol
Department: CHP Cadet
Issue: Suitability; omitted pertinent information.

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

- **CASE NO. 06-2555N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- **CASE NO. 06-1148N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- **CASE NO. 06-1005N**
Classification: Medical Technical Assistant
Department: Department of Corrections and Rehabilitation

C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

NONE

D. RULE 211 APPEALS
RULE 212 OUT OF CLASS APPEALS
VOIDED APPOINTMENT APPEALS

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

NONE

E. REQUEST TO FILE CHARGES CASES

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

NONE

PETITIONS FOR REHEARING CASES

NONE

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC.

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES)

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

3. TELEVISION SPECIALIST (SAFETY)

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

4. HEARING – Personal Services Contract #04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

5. HEARING

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

6. CASE NO. 05-1737RPA

Appeal from dismissal. Psychiatric Technician Assistant. Department of Developmental Services. (Oral argument held July 11, 2006.)

7. CASE NO. 05-3030A

Appeal constructive demotion. Office Technician. Department of Developmental Services. (Oral argument held October 31, 2006)

8. CASE NO. 05-1875A

Appeal from rejection during probationary period. Equipment Material Specialist. Department of Transportation. (Oral argument held October 31, 2006)

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *



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(Cal. 11/14/06)

TO: Members
State Personnel Board

FROM: State Personnel Board - Legislative Office

SUBJECT: LEGISLATION

There is no written legislative report at this time. I will give a verbal presentation on any legislative action that has taken place that will be of interest to the Board.

Please contact me directly should you have any questions or comments regarding any bills that you may have an interest in. I can be reached at (916) 653-0453.

A handwritten signature in cursive script that reads 'Sherry A. Evans'.

Sherry A. Evans
Director of Legislation

STATE PERSONNEL BOARD

NON-HEARING CALENDAR

RE: BOARD DATE NOVEMBER 14, 2006

(Cal. 11/14/06)

MEMO TO : STATE PERSONNEL BOARD

FROM : KAREN COFFEE, Chief, Merit Employment and
Technical Resources Division

SUBJECT : Non-Hearing Calendar Items for Board Action

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**CHIEF DEPUTY COUNSEL, CALIFORNIA LAW REVISION
COMMISSION**

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The Department of General Services on behalf of the California Law Revision Commission proposed to re-title the existing class of Assistant Executive Secretary, California Law Revision Commission to the above title to better describe the position's role at the commission.

(October 24, 2006)

TO: STATE PERSONNEL BOARD

FROM: DANIEL TOKUNAGA
Staff Personnel Management Analyst
Department of Personnel Administration

REVIEWED BY: JOSIE FERNANDEZ
Program Manager
Department of Personnel Administration

SUBJECT:

The Department of General Services, on behalf of the California Law Revision Commission, requests that the existing class of Assistant Executive Secretary, California Law Revision Commission be retitled, CHIEF DEPUTY COUNSEL, CALIFORNIA LAW REVISION COMMISSION.

SUMMARY OF ISSUES:

The Department of General Services requests, on behalf of the California Law Revision Commission, and staff concurs that the title of the existing class of Assistant Executive Secretary, California Law Revision Commission be changed to Chief Deputy Counsel, California Law Revision Commission in order to reduce misperceptions about the class and better describe the position's role at the commission.

CONSULTED WITH:

NORMA ALVARADO, Personnel Analyst, Department of General Services
NATHANIEL STERLING, Executive Secretary, California Law Revision Commission
LARRY SVETICH, Representative, California Association of Managers and Supervisors
MITCH SEMER, Executive Officer, Association of California State Supervisors
RAQUEL SILVA, California Attorneys, Admin Law Judges, and Hearing Officers in State Employment

CLASSIFICATION CONSIDERATIONS:

Assistant Executive Secretary, California Law Revision Commission was established in September of 1958. Since that time, almost 50 years ago, civil service class nomenclature has changed. Today, a class title that uses the term, "executive secretary", commonly refers to a clerical position supporting a high level administrator. Continuing this frame of reference, an "assistant executive secretary", would indicate an even lower level position serving in an assistive or non-journey level clerical capacity. This role is much different than the actual role the Assistant Executive Secretary serves at the California Law Revision Commission. Here the position serves as the second highest administrator in the commission's organization, setting and administering commission policy and providing top legal advice and guidance to the entire commission on all legal matters before it. Because of these executive functions, the incumbent frequently represents the commission to outside

parties and is the first, and oftentimes, only person that representatives from the community and general public have with the commission.

The California Law Revision Commission is concerned about the initial perception individuals have when they receive either written or personal contact with the incumbent. Past experience shows that misperceptions do arise and the unknowing party believes that the Assistant Executive Secretary is a clerical staff rather than the second highest administrator at the Law Revision Commission. As a result, both time and instruction are needed to clarify the high level functions and authority the position holds. Such misunderstandings are unnecessary and problematic to the extent that they interfere with the business of the commission.

To alleviate this problem, the California Law Revision Commission proposes the new class title of Deputy Chief Counsel, California Law Revision Commission. This title was chosen to reflect the two major functions served by the incumbent, the first being the chief deputy for the commission and the second being the commission's legal counsel. The commission believes and staff concurs that the new title will correct the misperceptions previously encountered by the old title and be much more indicative of the position's actual role at the commission.

Aside from the proposed title change, no other changes are being made. Review of the existing Assistant Executive Secretary class specification indicates that no updates, additions, or other revisions are necessary.

For more information, please see attached.

RECOMMENDATIONS:

That the title of the class of Assistant Executive Secretary, California Law Revision Commission be changed to Chief Deputy Counsel, California Law Revision Commission; and the proposed revised specification for the class as shown in this calendar be adopted.

B. CLASSIFICATION CONSIDERATIONS

Instructions: Complete only if Concept (Part A) approved by DPA. Include headings (Background, Classification Considerations, etc.) if using additional paper. Only complete applicable questions (i.e., provide enough information to support the proposal). Respond to each of these questions and return with signed-off transmittal to your DPA and SPB Analysts.

BACKGROUND

1. Provide some historical perspective about the organizational setting of the subject class(es) and the needs that this request addresses.

The single person job class of Assistant Executive Secretary, California Law Revision Commission, is an attorney and is second in command of the Law Revision Commission. It is not a clerical position.

The Law Revision Commission would like to change the title of the class to "Chief Deputy Counsel, Law Revision Commission." The proposed title would be more descriptive of the legal and managerial responsibilities of the class.

The Assistant Executive Secretary, California Law Revision Commission, independently performs legal tasks of the highest complexity. The position requires regular contact with legislators and legislative staff, judges, prominent members of the State Bar, lobbyists, law professors, and other professionals. The person in the position must present legal issues at public meetings, testify before legislative committees, negotiate and explain legislation, seek authors for legislative proposals, and discuss ideas in developing proposed legislation.

The Assistant Executive Secretary, California Law Revision Commission, also assists the Executive Secretary, California Law Revision Commission, with the management of the agency.

Experience shows that a person who is unfamiliar with the personnel structure of the Law Revision Commission may mistakenly assume that the Assistant Executive Secretary, California Law Revision Commission is a clerical employee.

This can lead to miscommunication, a failure to recognize the authority of the incumbent, and an undermining of the incumbent's credibility. These problems can also negatively effect recruitment for the position.

CLASSIFICATION CONSIDERATIONS

2. What classification(s) does the subject class(es) report to?

The Executive Secretary, CLRC (agency director).

3. Will the subject class(es) supervise? If so, what class(es)?

Staff Counsel, Associate Governmental Program Analyst, Executive Secretary (clerical position)

4. What are the specific duties of the subject class(es)?

The Assistant Executive Secretary, California Law Revision Commission, is second in command of the agency. The incumbent assists the Executive Secretary, California Law Revision Commission, in planning, organizing, and directing all phases of the legal and administrative work of the Commission, and acts for the

Executive Secretary, California Law Revision Commission, in his absence; reviews suggestions received by the Commission for changes in the laws of California and makes or directs preliminary studies of such suggestions; assists the Commission in the selection of topics for study by finding such topics, and supervising the preparation of preliminary reports thereon; contacts research consultants and makes arrangements for specific legal studies which have been approved by the Commission and authorized by the Legislature; prepares and supervises the preparation of research studies assigned to the staff; assists in the preparation of research studies assigned to research consultants by conferring with such consultants and editing, with respect to both form and substance, reports prepared by them; presents staff and research consultant reports to the Commission and to Legislative Committees; prepares or assists in preparing for the consideration of the Commission recommendations to the Legislature and proposed Legislative bills recommended by the Commission; works with State Bar Committees and other interested persons in identifying and working out questions and objections which may be raised concerning the Commission's reports and recommendations; prepares or assists in preparing reports and bills in final form for the consideration of the Commission and presents bills to Committees of the Legislature.

5. What is the decision-making responsibility of the subject class(es)?

See answer to #4.

6. What would be the consequence of error if incumbents in the subject class(es) did not perform their jobs? (Program problems, lost funding, public safety compromised, etc.)

See answer to #4.

7. What are the analytical requirements expected of incumbents in the subject class(es)?

See answer to #4.

8. What are the purpose, type, and level of contacts incumbents in the subject class(es) make?

Works with Legislators and their staffs, representatives of the California Bar, the California Judges Association, the Judicial Council, and other legal and trade organizations. Provides testimony at legislative committee hearings on complex legal matters.

B. CLASSIFICATION CONSIDERATIONS

Page 2

NEED FOR NEW CLASS (if necessary)

9. For New classes only: what existing classes were considered and why were they not appropriate?

N/A

MINIMUM QUALIFICATIONS

10. What are the proposed or current minimum qualifications of the subject class(es), and why are they appropriate? (Include inside and outside experience patterns.)

We have reviewed the existing minimum qualifications for the class and certify that they are appropriate.

PROBATIONARY PERIOD

☐ Six Months

11. If a probationary period other than six months is proposed, what is the rationale?

N/A

STATUS CONSIDERATIONS (see additional information in Part D).

12. What is the impact on current incumbents?

This would only affect the class title. Changes to the duty statement are not required.

13. Will current employees move by examination, transfer, reallocation, split-off, etc.? Explain rationale.

The one incumbent will remain in place and use the revised class title. No “movement” will occur.

CONSULTED WITH

14. In addition to the departmental contacts listed on the cover sheet, list the names and affiliations of persons who were consulted during the development of this proposal.

Norma Alvarado
Daniel Tokunaga

CALIFORNIA STATE PERSONNEL BOARD**SPECIFICATION**

Schematic Code: OF60
Class Code: 6044
Established: 9/25/58
Revised: 12/17/85
Title Changed: --

~~ASSISTANT EXECUTIVE SECRETARY~~ CHIEF DEPUTY COUNSEL,
CALIFORNIA LAW REVISION COMMISSION

DEFINITION

Under the direction of the Executive Secretary, California Law Revision Commission, to assist in planning, organizing, and directing all phases of the legal and administrative work of the Commission; to act for the Executive Secretary, California Law Revision Commission, in his absence; and to do other related work.

TYPICAL TASKS

Assists the Executive Secretary, California Law Revision Commission, in planning, organizing, and directing all phases of the legal and administrative work of the Commission, and acts for the Executive Secretary, California Law Revision Commission, in his absence; reviews suggestions received by the Commission for changes in the laws of California and makes or directs preliminary studies of such suggestions; assists the Commission in the selection of topics for study by finding such topics, and supervising the preparation of preliminary reports thereon; contacts research consultants and makes arrangements for specific legal studies which have been approved by the Commission and authorized by the Legislature; prepares and supervises the preparation of research studies assigned to the staff; assists in the preparation of research studies assigned to research consultants by conferring with such consultants and editing, with respect to both form and substance, reports prepared by them; presents staff and research consultant reports to the Commission and to Legislative Committees; prepares or assists in preparing for the consideration of the Commission recommendations to the Legislature and proposed Legislative bills recommended by the Commission; works with State Bar Committees and other interested persons in identifying and working out questions and objections which may be raised concerning the Commission's reports and recommendations; and prepares or assists in preparing reports and bills in final form for the consideration of the Commission and presents bills to Committees of the Legislature.

MINIMUM QUALIFICATIONS

Membership in The State Bar of California. (Applicants must have active membership in The State Bar before they will be eligible for appointment.)

and
Either I

One year of experience in the California Law Revision Commission performing legal duties* at a level of responsibility equivalent to a Staff Counsel, Range D.

Or II

Two years of experience in the California state service performing legal duties at a level of responsibility equivalent to a Staff Counsel, Range C, the majority of which time has been spent in legal writing or statute drafting, or some combination of these.

Or III

Five years of legal experience, at least two years of which must have been in teaching law, legal writing or statute drafting, or some combination of these.

KNOWLEDGE AND ABILITIES

Knowledge of: Scope and character of California statutory law; provisions of the California State Constitution, including their relationship to judicial precedents and Federal constitutional provisions and laws; rules, organization, and operation of the California State Legislature; legal terminology and research; legal principles and precedents and their application to difficult, complex, and novel legal problems; and the Commission's Affirmative Action Program objectives; a manager's role in the Affirmative Action Program and the processes available to meet affirmative action objectives responsibility for promoting equal opportunity in hiring and employee development and promotion, and for maintaining a work environment that is free of discrimination and harassment.

Ability to: Present statements of fact, law, and argument clearly and logically in written and oral form; perform and supervise difficult legal research and statute drafting work; supervise a professional and clerical staff; dictate and review legal correspondence; establish and maintain cooperative relationships with those contacted in the work; analyze situations accurately and adopt an effective course of action; and effectively contribute to the Commission's affirmative action objectives promote equal opportunity in employment and maintain a work environment that is free of discrimination and harassment.

* Experience in the "practice of law" or "performing legal duties" or "legal experience" is defined as only that legal experience acquired after admission to The Bar.

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(Cal. 11/14/06)

MEMO TO : STATE PERSONNEL BOARD

FROM : KAREN COFFEE, Chief, Merit Employment and
Technical Resources Division

SUBJECT : Staff Calendar Items for Board Information

NONE PRESENTED